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SUPREME COURT
STATE OF WASHINGTON
May 10, 2011, 3:19 pm
BY RONALD R. CARPENTER
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

R.P.H.,

Petitioner.

No. 82557-2

STATEMENT OF ADDITIONAL
AUTHORITY

COMES NOW the Petitioner, by and through his attorney, Neil M. Fox, and submits, pursuant to RAP 10.8, the following additional authority regarding judge's "musings" from the bench:

1. *State v. Wakefield*, 130 Wn.2d 464, 925 P.2d 183 (1996)
(judge's comments to defendant about likely sentence impacted the voluntariness of plea)

2. *United States v. Buchanan*, 59 F.3d 914, 918 (9th Cir. 1995)
(judge's oral statement at sentencing that defendant had right to appeal conflicted with appeal waiver in guilty plea statement, and controlled: "Litigants need to be able to trust the oral pronouncements of district court judges.").

DATED this 10th day of May 2011

Respectfully submitted,

Neil M. Fox
NEIL M. FOX
WSBA NO. 15277
Attorney for Petitioner

ORIGINAL